

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOFIA SAENZ,

Plaintiffs,

- against -

EDWARD LUCAS, individually, VINCENT MUSSOLINO, individually, RICHARD LIGHT, individually, MARK DiGIACOMO, individually, POLICE OFFICER JANE DOE, individually, and the TOWN/VILLAGE OF HARRISON, New York,

Defendants.

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07 CIV 10534 (WCC)

ANSWER OF
DEFENDANTS EDWARD
LUCAS, MARK DiGIACOMO
and the TOWN/VILLAGE OF
HARRISON, New York

Defendants EDWARD LUCAS, MARK DiGIACOMO and the TOWN/VILLAGE OF HARRISON, New York, by and through their attorneys, FRIEDMAN, HARFENIST, LANGER & KRAUT, answering the Plaintiffs' complaint, allege as follows:

1. The Defendants deny all allegations contained in paragraph "1" of the amended complaint and leave all questions of law to the time of trial.
2. The Defendants admit the allegations contained in paragraph "2" of the amended complaint.
3. The Defendants deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph "3" of the amended complaint.

4. The Defendants deny all allegations contained in paragraph "4" of the amended complaint, except admit that Edward Lucas and Mark DiGiacomo were employed as Police Officers by the Town/Village of Harrison.

5. The Defendants admit the allegations contained in paragraph "5" of the amended complaint.

6. The Defendants admit the allegations contained in paragraph "6" of the amended complaint.

7. The Defendants admit the allegations contained in paragraph "7" in relation to the Town/Village of Harrison being a municipal subdivision of the State of New York but deny knowledge and information sufficient to form a belief as to any allegations related to Jane Doe.

8. The Defendants deny all knowledge and information sufficient to form a belief as to what Plaintiff saw on August 20, 2007 as alleged in paragraph "8" of the amended complaint.

9. The Defendants deny all allegations contained in paragraphs 9, except admit that Town Police responded to the scene.

10. The Defendants deny all allegations contained in paragraph "10" of the amended complaint, but admit that the Plaintiff was present at Police Headquarters.

11. The Defendants deny all allegations contained in paragraph “11” of the amended complaint.

12. The Defendants deny all allegations contained in paragraph “12” of the amended complaint.

13. The Defendants deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph “13” of the amended complaint.

14. The Defendants deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph “14” of the amended complaint.

15. The Defendants deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph “15” of the amended complaint.

16. The Defendants deny all allegations contained in paragraph “16” of the amended complaint.

17. The Defendants deny all allegations contained in paragraph “17” of the amended complaint.

18. The Defendants deny all allegations contained in paragraph “18” of the amended complaint.

19. The Defendants deny all allegations contained in paragraph “19” of the amended complaint.

20. The Defendants deny all allegations contained in paragraph “20” of the amended complaint.

21. The Defendants deny all allegations contained in paragraph "21" of the amended complaint.

22. The Defendants deny all allegations contained in paragraph "22" of the amended complaint and leave all questions of law to the court.

23. The Defendants deny all allegations contained in paragraph "23" of the amended complaint.

AS AND FOR AN ANSWER TO THE CLAIM

24. As and for an answer to paragraph "24" of the amended complaint, the Defendants repeat and reallege all allegations in paragraphs 1 through 23 of this answer as if more fully set forth hereat.

25. The Defendants deny all allegations contained in paragraph "25" of the amended complaint.

**AS AND FOR DEFENDANTS'
FIRST AFFIRMATIVE DEFENSE**

26. The Complaint fails to state a cause of action against the answering defendants.

**AS AND FOR DEFENDANTS'
SECOND AFFIRMATIVE DEFENSE**

27. The actions taken by the Defendants were made in good faith, without malice and in conformity with any and all applicable laws.

**AS AND FOR DEFENDANTS'
THIRD AFFIRMATIVE DEFENSE**

28. The actions complained of were in full accord with applicable State and Federal law.

**AS AND FOR DEFENDANTS'
FOURTH AFFIRMATIVE DEFENSE**

29. Plaintiffs' constitutional and statutory rights have not been violated by the named defendants herein.

**AS AND FOR DEFENDANTS'
FIFTH AFFIRMATIVE DEFENSE**

30. That any purported detention was reasonable or justified under *Terry v. Ohio* and additional New York and Federal decisional law.

**AS AND FOR DEFENDANTS'
SIXTH AFFIRMATIVE DEFENSE**

31. The Defendants' actions are protected by the doctrine of qualified immunity.

AS AND FOR DEFENDANTS'
SEVENTH AFFIRMATIVE DEFENSE

32. No action can be maintained as against the Town/Village of Harrison, New York as the Plaintiff has failed to identify a municipal policy, practice or procedure that gave rise to her purported injuries.

AS AND FOR DEFENDANTS'
EIGHTH AFFIRMATIVE DEFENSE

33. No action can be maintained as against the Town/Village of Harrison, New York as the Plaintiff has failed to identify a policymaker who was purportedly responsible for her purported injuries.

WHEREFORE, the Defendants demands judgment dismissing plaintiffs' complaint in its entirety along with the costs and disbursements of this action.

Dated:Purchase, New York
July 22, 2008

FRIEDMAN, HARFENIST, LANGER & KRAUT
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By: _____ S _____
Neil Torczyner